

REMARKS

Claims 1-30 are pending. By this amendment, claims 1, 16, and 24 are amended to more precisely recite the novel features of the present application. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested in view of the preceding amendments and following remarks.

Claim Rejections Under 35 U.S.C. § 112

On page 3 the Office Action rejects claims 1-30 under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In rejecting claims 1-30 under 35 U.S.C. §112, second paragraph, the Examiner states that the phrase “notification..., thereby allowing payment-free transfer of assets from one iCOD computer to another iCOD computer within the network” is indefinite and vague because its not clear how the function of notifying allows a payment-free transfer of assets. Applicants respectfully note that this phrase did not appear in independent claim 10 and does not appear in independent claims 1, 16 and 24 as amended. This rejection is rendered moot and withdrawal of this rejection is hereby respectfully requested.

Claim Rejection Under 35 U.S.C. § 103

On page 5, the Office Action rejects claims 1-30 under 35 U.S.C. § 103(a) over applicant admitted prior art (AAPA) in view of PROIETTI. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) and *MPEP* § 2142. The prior art, when combined, does not teach or suggest all of the claim limitations.

For example, the AAPA in view of PROIETTI does not teach or suggest “summing the quantity of assets of the at least one asset class ***for all of the plurality of iCOD computers on the network***,” as recited in claim 10 (emphasis added). Neither PROIETTI nor the AAPA sum assets for all of the plurality of iCOD computers on a network. “The current iCOD pricing system also treats each iCOD system individually for purposes of auditing the CPU totals.” (see Background, p. 1, para. [0005]). PROIETTI does not cure this defect. Consequently, claim 10 is not rendered obvious.

Moreover, the AAPA in view of PROIETTI does not teach or suggest “allowing payment-free transfer of assets from one iCOD computer to another iCOD computer within the network,” as recited in claim 10. The office action admits that the AAPA does not teach this. Indeed, the background section of the application specifically states that prior art iCOD

computer systems do not permit the kind of asset transfer recited in independent claims 1, 10, 16, and 24. See page 2, lines 7-11: "Using the current iCOD system, the iCOD customer who has more active CPUs than necessary on one iCOD computer but insufficient CPUs on a second iCOD computer cannot shift the 'excess' CPUs from the first iCOD computer to the second iCOD computer. Rather, this iCOD customer must pay to activate additional CPUs on the second iCOD computer." Consequently, the AAPA teaches away from any combination that would allow payment-free transfer.

Moreover, despite the office action's statements to the contrary, PROIETTI also does not teach this feature. PROIETTI does not describe the transfer of assets. PROIETTI does not describe the transfer of assets from one computer to another within a network. Indeed, PROIETTI does not even teach or suggest the payment-free *transfer* of assets among cell phone consumers; rather, there is no transfer of assets or services in PROIETTI, merely the *sharing* of services. As claimed, an asset is transferred from one iCOD computer to another, not shared, and the payment-free transfer of such an asset is allowed. Consequently, PROIETTI does not disclose or suggest this feature. Accordingly, claim 10 is not rendered obvious.

Dependent claims 11-15 are not rendered obvious for at least these reasons and their own independent features. Consequently, claims 10-15 are allowable and withdrawal of this rejection is respectfully requested.

It is also noted, that, in rejecting the claims, the Examiner states that the claim element "assets may be either inactive or active" makes "what-ever limitations followed this 'optional' limitations...[of] non-patentable weight." First, this element has been removed from the independent claims. Second, the element refers only to the fact that an asset only can be in one of two states; either active or inactive. This two-state condition has nothing to do with the element that follows, namely the payment-free transfer of an asset. Applicants also note that the office action over-states the teaching of the AAPA, as noted above. For example, the AAPA does not teach or suggest the claimed features, such as "summing the quantity of assets of the at least one asset class for all of the plurality of iCOD computers on the network." Applicants therefore traverse the office action's citation to the AAPA.

Independent claims 1, 16 and 24 recite similar features to those recited above in independent claim 10. For example, claim 1 recites a memory that stores sums, across all of the plurality of iCOD computers, of the monitored assets for at least one asset class. Consequently, independent claims 1, 16 and 24 are not rendered obvious for at least the reasons recited above. Dependent claims 2-9, 17-23 and 25-30 are not rendered obvious for

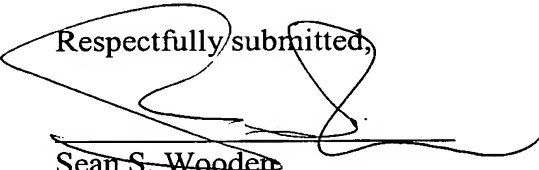
at least these same reasons for the additional features they recite. Therefore, withdrawal of the rejection of claims 1-30 under 35 U.S.C. §103(a) and allowance of claims 1-30 is respectfully requested.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Date: **March 27, 2008**

Respectfully submitted,



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